



Massachusetts Department of Environmental Protection
Bureau of Waste Site Cleanup

RELEASE NOTIFICATION & NOTIFICATION RETRACTION FORM (BWSC-103)
Instructions

INTRODUCTION

The Release Notification & Notification Retraction Form is for use by a person who wants to:

- provide DEP with written notification of a release or threat of release of Oil, Hazardous Material or both; or
- retract a previously submitted oral or written notification of a release or threat of release.

Notifying DEP of a release or threat of release of Oil and/or Hazardous Material is required under the regulations established by the Massachusetts Contingency Plan (MCP) at 310 CMR 40.0300.

A Release Notification Form must be submitted to DEP by mail or hand delivered, within 60 days of the earlier of the date of oral notification of "Two Hour" or "72 Hour" release or threat of release reporting conditions, or the date of receipt of a Notice of Responsibility from DEP. The MCP at 310 CMR 40.0311 through 40.0314 describes Two Hour and 72 Hour reporting conditions. The only acceptable means of providing DEP with notification of a "120 Day" reporting condition is to submit a completed Release Notification Form, along with any supporting reports, by mail or hand delivery within 120 days of obtaining knowledge of the release. Oral notification of 120 Day reporting conditions is unacceptable. The MCP at 310 CMR 40.0315 describes 120 Day reporting conditions.

See 310 CMR 40.0333 for further information on how to provide notification to DEP.

NOTE: Two and 72 Hour releases and threats of release may often be cleaned up within 60 days of oral notification. In such cases, a Response Action Outcome Statement (BWSC-104) may be submitted with a Release Notification Form to expedite completion of response action requirements.

A Release Notification may be retracted if information obtained after notification shows that a release or threat of release either did not occur or failed to meet the reporting criteria described at 310 CMR 40.0311 through 40.0315. The procedures for retracting a notification of a release or threat of release are described in the MCP at 310 CMR 40.0335. A Notification Retraction Form must be submitted by an official notifier. This form with supporting documentation must be received by DEP no later than 60 days after the person providing the retraction first notified the DEP of the release or threat of release.

Only those persons described in the MCP at 310 CMR 40.0331, "Who Shall Notify", should submit a Release Notification & Notification Retraction Form. Licensed Site Professionals

(LSPs), consultants, attorneys, public safety officials or other persons acting on behalf of or as an agent for an official notifier should not file a form in their own name with DEP. See the MCP at 310 CMR 40.0009(2) and Section G of these instructions for further information on how to file a Release Notification & Notification Retraction Form on behalf of an official notifier.

Local officials must be notified about certain cleanup activities. See the MCP at 310 CMR 40.1403 for a list of these activities and requirements for providing notice.

Complete all sections of the Release Notification & Retraction Form in accordance with the instructions. Complete the form using black ink. If any item is not applicable, mark it "N/A". DEP will reject incomplete forms. **NOTE:** There are specific regulatory deadlines for submittal of either a Release Notification Form or a Notification Retraction Form. If you exceed the applicable time frame for a submittal because DEP rejected an incomplete form, you will be in noncompliance with the MCP.

Persons submitting a Release Notification & Retraction Form must use a form supplied by DEP or a photocopy of an original DEP form. An electronic version of the form will be available from the DEP Bulletin Board at (617) 292-5546. Individuals and organizations are prohibited from creating their own version of this form, and DEP will reject any form submitted in such a format.

Submit the Release Notification & Notification Retraction Form and any attachments, by mail or hand delivery, to the DEP Regional Office for the town or city in which the release or threat of release occurred (i. e., the site location). **NOTE:** The form submitted to DEP must include original signatures; do not submit a form by FAX.

Where to send Release Notification & Notification Retraction Forms:

DEP Western Region
436 Dwight Street, 5th Floor
Springfield, MA 01103
(413) 784-1100 x 214

DEP Southeast Region
20 Riverside Drive
Lakeville, MA 02347
(508) 946-2714

DEP Central Region
627 Main Street
Worcester, MA 01605
(508) 792-7683

DEP Northeast Region
205A Lowell Street
Wilmington, MA 01887
(978) 661-7600

Any questions may be directed to the MCP Hotline at (617) 338-2255, from area code (617) and from out of state, or at (800) 462-0444, from area codes 413 and 508.

The following information provides instructions for each section of the form. Carefully read through the instructions before filling out the form.

1. Release Tracking Number

Two and 72 Hour Reporting Conditions: All Release Notification Forms that report Two or 72 Hour releases or threats of release must include a Release Tracking Number. To obtain a Release Tracking Number, first report Two or 72 Hour release or threat of release reporting conditions by contacting DEP at the following telephone numbers:

During business hours (9 AM to 5 PM weekdays, except holidays):

☐ Central Region: (508) 792-7653

☐ Northeast Region: (978) 661-7600

☐ Southeast Region: (508) 946-2850

☐ Western Region: (413) 784-1100

Statewide, during non-business hours, call (617) 292-5500

Persons notifying DEP by telephone about Two or 72 Hour release or threat of release reporting conditions will be assigned a Release Tracking Number that must be provided on the form.

120 Day Reporting Conditions: A Release Tracking Number is not needed to submit a Release Notification Form describing a 120 Day reporting condition. DEP will assign a Release Tracking Number upon receipt of the form.

Notification Retractions: You must provide the Release Tracking Number previously assigned by DEP to the release or threat of release that is the subject of a Notification Retraction Form.

A. RELEASE OR THREAT OF RELEASE LOCATION

If the release or threat of release affects multiple properties, use the form to record the address or location of the single most contaminated property or source location. Attach a list of other affected properties in response to Item 14. If submitting a Notification Retraction, provide the release or threat of release address originally reported to DEP.

2. Street

Record the street address where the release or threat of release occurred or was discovered.

3. Location Aid

Provide additional geographical or descriptive information to identify the location of the release or threat of release (e. g., cross-street, mile marker, transformer or pole number, business name, landmark

or geographical feature). Examples of Location Aids include "Joe's Garage", "Watertown Square" and "Mill Pond".

NOTE: A Location Aid is required if the release or threat of release location has no street address.

4. City/Town/Zip Code

Identify the municipality where the release or threat of release occurred. If appropriate, use a village or neighborhood name (e. g., Woods Hole, Roxbury). Include the zip code for the location.

B. USE OF FORM

5. Release Notification

Check this box if you are using the form to submit a notification of a release or threat of release to DEP. Complete all sections of this form.

6. Notification Retraction

Check this box if you are using the form to retract a previously submitted oral and/or written notification of a release or threat of release. Complete Sections A, B, E, F and G of this form. Attach all supporting documentation required by the MCP at 310 CMR 40.0335.

C. INFORMATION DESCRIBING THE RELEASE OR THREAT OF RELEASE (TOR)

You must fill out this portion of the Release Notification Form, or the form will be returned to you as incomplete.

7. Knowledge of Release or TOR Date and Time

Indicate the date when the person or organization reporting the release or threat of release obtained knowledge of the event, which may differ from the date when the release or threat of release occurred. If you are reporting a Two Hour or 72 Hour reporting condition, you must also provide the time you obtained knowledge of the release or threat of release. Be sure to indicate either AM or PM.

8. Release or TOR Date and Time

If known, record the date and time when the release or threat or release itself occurred. Be sure to indicate either AM or PM, if you provide a time.

9. Previous Oral Notification

Indicate if prior oral notification was provided to DEP regarding the release or threat of release. If so, indicate the date and time of the prior notification. Be sure to indicate either AM or PM.

Check the notification thresholds listed under Items 10, 11 and 12 that describe the release or threat of release. At least one such option must be selected. The most stringent reporting condition selected will categorize the release or threat of release.

10. Two Hour Notification

Check all reporting conditions that apply. See the MCP at 310 CMR 40.0311 and 40.0312 for an explanation of each option.

11. 72 Hour Notification

Check all reporting conditions that apply. See the MCP at 310 CMR 40.0313 and 40.0314 for an explanation of each option.

12. 120 Day Notification

Check all reporting conditions that apply. See the MCP at 310 CMR 40.0315 for an explanation of each option.

NOTE: Do not check a 120 Day reporting condition when Reportable Concentrations are related to or consistent with the basis for a Two Hour or 72 Hour reporting condition.

13. Oil and/or Hazardous Materials Released

Provide the following information about each type of Oil and/or Hazardous Material released or posing a threat of release:

- ☐ Record the three most plentiful types of oil or hazardous material released or posing a threat of release, listing the largest quantity or concentration first.
- ☐ Indicate whether each substance is an Oil (O) or a Hazardous Material (HM), as defined by the MCP.
- ☐ Record the Chemical Abstracts Service (CAS) number for each Hazardous Material listed, if known. Most Oils do not have CAS numbers.
- ☐ Record the quantity or concentration reported and the applicable units (e. g., 100 gallons, 50 ppm), or state if unknown. Be sure to use the proper type of units. For example, use gallons or pounds for reportable quantities for sudden releases, "ppmv" for headspace screening measurements, "mg/kg" for soil measurements and "mg/l" for groundwater data.
- ☐ If the report concerns a Reportable Concentration (RC), specify which Reportable Concentration applies (i.e., RCS-1, RCS-2, RCGW-1, RCGW-2). **NOTE:** This information is required when reporting any 120 Day reporting condition.

Use an attachment to report additional types of Oil and Hazardous Materials released or posing a threat of release, providing the same information as listed above.

D. ADDITIONAL INVOLVED PARTIES

You may record the addresses of additional involved parties on the bottom of the second page of the form or if needed, on an attachment. Try to provide a complete mailing address and phone number, including area code, with each address. Be sure to identify the relationship to the release or threat of release of each person or organization named.

14. Other Affected Property Owners

Releases often contaminate more than one property or parcel of land. Check this box if the release or threat of release is known to contaminate properties or parcels in addition to the one described in Section A. Attach to the form a list that includes the address of each parcel or property, as well as the name and mailing address of the owner of each property or parcel of land.

15. Licensed Site Professionals (LSP)

Check this box if the name and address of one or more Licensed Site Professionals involved in the release or threat of release is attached to the form.

NOTE: In order to clean up and/or address a release or threat of release, the services of a Licensed Site Professional (LSP) are required. LSPs are professionals licensed by the Commonwealth of Massachusetts to issue Waste Site Cleanup Activity Opinions in connection with response actions at sites. The MCP requires the preparation of one or more Waste Site Cleanup Activity Opinions for every release reported to DEP. For a list of LSP names please contact the Board of Registration at (617) 556-1145.

E. PERSON REQUIRED TO NOTIFY

Provide information about the official notifier, who must be a person described by the MCP at 310 CMR 40.0331, "Who Shall Notify". (See Section F for types of official notifiers.) An LSP, consultant, attorney, public safety official or other person acting on behalf of or as an agent for the official notifier should not record his or her own name and address in Section E. These requirements apply to both Release Notifications and Notification Retractions.

16. Name of Organization

If an organization (e. g., company, municipal department, public authority) is reporting the release or threat of release or retracting a notification, record its name. State N/A if not applicable (e. g., owner or occupant of residential property).

17. Contact Name and Title

Individuals: If a person who is not associated with an organization is (e. g., owner or occupant of residential property) reporting a release or threat of release or retracting a notification, record his or her first and last name in this field.

Organizations: If an organization is reporting a release or threat of release or retracting a notification, provide the first and last name and title of a representative who has knowledge of the situation and whom DEP may contact for further information. The person listed must be the highest ranking individual having day-to-day responsibility for reporting a release or threat of release.

18. Street

Provide the street address of the individual named in Item 17. This location might differ from that of the release or threat of release (i. e., the site location).

19. City/Town, State and Zip Code

Provide the remainder of the mailing address for the individual named at Item 17.

20. Telephone and Ext.

State a telephone number, including area code and any extension, where DEP may reach the individual named at Item 17.

21. FAX Number

If the person named at Item 17 has access to a FAX machine, you may provide a FAX number.

F. RELATIONSHIP OF PERSON REQUIRED TO NOTIFY TO RELEASE OR THREAT OF RELEASE

Select the single response in Section F that best describes the relationship of the official notifier, who is named in Section E, to the release or threat of release described either in Section C or on the supporting documentation for a Notification Retraction Form. Do not provide information about an LSP or other individual who is preparing the form on behalf of or as an agent for the official notifier. See the MCP at 310 CMR 40.0006 and 40.0331 and M. G. L. c. 21E for further definitions of terms used in this section of the form.

22. Responsible Party or Potentially Responsible Party (RP or PRP)

Check this box if the official notifier is a Responsible Party or Potentially Responsible Party.

For releases or threats of release involving **Oil(s)**, indicate if the Responsible Party or Potentially Responsible Party owns the property where the release or threat of release was reported, or operates a facility located at that property. A person who otherwise caused or is legally responsible for a release or threat of release of Oil should select "Other RP or PRP".

For releases or threats of release involving **Hazardous Material(s)**, indicate if the Responsible Party or Potentially Responsible Party owns or owned the property where the release or threat of release was reported, operates or operated a facility located at that property, generated and/or transported the Hazardous Materials involved, or conducted other types of activities that relate to the release or threat of release. If selecting Other RP or PRP, please specify the relationship to the release or threat of release. If you do not indicate that you are a prior owner or operator in the "Other RP or PRP" field, DEP will assume that you are a current owner or operator.

23. Fiduciary, Secured Lender or Municipality with Exempt Status

Check this box if the person reporting the release or threat of release is a Fiduciary, Secured Lender or a Municipality with exempt status under M.G.L. c. 21E, s. 2. You must meet specific criteria to claim this status.

24. Agency or Public Utility on a Right of Way

Check this box if the person reporting the release or threat of release is either an Agency or a Public Utility operating on a right-of-way, as defined by M.G.L. c. 21E, s. 5(j).

25. Any Person Otherwise Required to Notify

Check this box if the person reporting the release or threat of release is any other person legally required to notify, and who is not described by one of the preceding categories.

G. SIGNATURE AND CERTIFICATION:

The official notifier named at Item 17, or an authorized agent, must sign and date the certification statement. Do not make any modification to the certification language. A Licensed Site Professional (LSP) or other individual who has prepared a Release Notification & Notification Retraction Form on behalf of or as an agent for an official notifier should not sign the certification, except as provided for below.

26. Name of Certifier

The certifier must legibly print his or her first and last name. This person must be either the official notifier named at Item 17 or an authorized agent for the official notifier.

27. Signature/Title/Date

The person named at Item 26 must legibly sign his or her first and last name, state a title, if any, and date the form. This will be either the official notifier named at Item 17 or that person's authorized agent.

An LSP preparing a form on behalf of or as an agent for the official notifier named at Item 17 may sign the certification statement only when authorized in writing by that person, as required by the MCP at 310 CMR 40.0009. A copy of this written authorization must be attached to the form.

28. Name of Official Notifier

Print the name of the official notifier provided at Item 17. Do not enter the name of an authorized agent, such as an LSP, attorney, contractor or consultant.

29. Address and Phone Number of Authorized Agent

If an authorized agent signs the certification on behalf of the official notifier named at Item 17 and the address of the authorized agent differs from the one shown in Section E, you must provide the authorized agent's mailing address, telephone number, including area code, and if available, a FAX number.